

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Dickey et al Confirmation No.: Not Assigned  
Appl No.: Not Assigned Group Art Unit: Not Assigned  
Filed: September 30, 2003 Examiner: Not Assigned  
For: EXPRESSION OF BIOLOGICALLY ACTIVE  
POLYPEPTIDES IN DUCKWEED

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

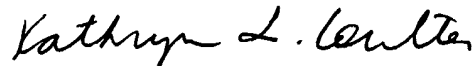
**INFORMATION DISCLOSURE STATEMENT  
CITATION UNDER 37 C.F.R. § 1.97**

Attached is a list of documents on form PTO-1449.

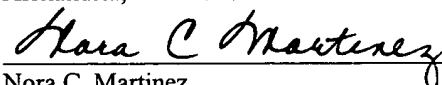
It is requested that the Examiner consider these documents and officially make them of record in accordance with the provisions of 37 C.F.R. § 1.97 and Section 609 of the MPEP. By submitting the listed documents, Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead submitting the listed documents for the sake of full disclosure.

Any foreign patents or non-patent literature documents items are attached, except those that were supplied in, or cited by the Office during prosecution of, parent Application No. 09/915,873 filed July 26, 2001. Since the benefit of this application was claimed under 35 U.S.C. 120, no copies need to be furnished in accordance with 37 C.F.R. 1.98(d); however, copies will be furnished on request.

Respectfully submitted,



Kathryn L. Coulter  
Registration No. 45,889

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| <b>Alston &amp; Bird LLP</b><br>Bank of America Plaza<br>101 South Tryon Street, Suite 4000<br>Charlotte, NC 28280-4000<br>Tel Raleigh Office (919) 862-2200<br>Fax Raleigh Office (919) 862-2260 | <b>CERTIFICATE OF EXPRESS MAILING</b><br>"Express Mail" mailing label number EV185285357US<br>Date of Deposit: September 30, 2003<br>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:<br>Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450<br><br>Nora C. Martinez |
|---|--|

|  |   |    |   |                          |                    |                         |
|--|---|----|---|--------------------------|--------------------|-------------------------|
| Substitute for form 1449/PTO<br>(Revised 04/2003)<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(Use as many sheets as necessary) |   |    |   | <b>Complete if Known</b> |                    |                         |
|  |   |    |   | Application Number       | Not Assigned       |                         |
|  |   |    |   | Filing Date              | September 30, 2003 |                         |
|  |   |    |   | First Named Inventor     | Dickey et al.      |                         |
|  |   |    |   | Group Art Unit           | Not Assigned       |                         |
|  |   |    |   | Examiner Name            | Not Assigned       |                         |
| Sheet  | 1 | of | 2 | Attorney Docket Number   |                    | 040989/267934(9280-12A) |

| U. S. PATENT DOCUMENTS |          |  |                                |  |   |
|------------------------|----------|--|--------------------------------|--|---|
| Examiner Initials*     | Cite No. | Document Number<br>Number - Kind Code (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages of Relevant Figures<br>Appear |
|                        | 1        | US-4,956,282                                     | 09-11-1990                     | Goodman et al.                                     |   |
|                        | 2        | US-5,629,175                                     | 05-13-1997                     | Goodman et al.                                     |   |
|                        | 3        | US-5,850,032                                     | 12-15-1998                     | Wann   |   |
|                        | 4        | US-5,994,628                                     | 11-30-1999                     | Rodriguez  |   |
|                        | 5        | US-6,020,169                                     | 02-01-2000                     | Lee et al.   |   |
|                        | 6        | US-6,040,498                                     | 03-21-2000                     | Stomp et al.                                       |   |
|                        | 7        | US-6,066,781                                     | 05-23-2000                     | Sutliff et al.                                     |   |
|                        | 8        | US-6,096,546                                     | 08-01-2000                     | Raskin   |   |
|                        | 9        | US-6,096,547                                     | 08-01-2000                     | Goodman et al.                                     |   |
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| FOREIGN PATENT DOCUMENTS |          |  |                                |  |  |  |
|--------------------------|----------|--|--------------------------------|--|--|--|
| Examiner Initials        | Cite No. | Foreign Patent Document<br>Country Code - Number Kind<br>Code (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | English<br>Language<br>Translation<br>Attached |
|                          | 10       | EP 0 141 484 A2  | 05-15-1985                     | BIOGEN N.V.  | Whole Doc.   |  |
|                          | 11       | WO 94/21796 A2   | 09-29-1994                     | PIONEER HI-BRED<br>INTERNATIONAL, INC.             | Whole Doc.   |  |
|                          | 12       | WO 98/36085 A1   | 08-20-1998                     | APPLIED PHYTOLOGICS,<br>INC.                       | Whole Doc.   |  |
|                          | 13       | WO 99/07210 A1   | 02-18-1999                     | NORTH CAROLINA<br>STATE UNIVERSITY                 | Whole Doc.   |  |
|                          | 14       | WO 99/19497 A1   | 04-22-1999                     | YEDA RESEARCHG AND<br>DEVELOPMENT CO. LTD.         | Page 4; Claims 1-<br>01; Examples 12-<br>15, Page 9                                |  |
|                          | 15       | WO 99/47678 A2   | 09-23-1999                     | GENEMEDICINE, INC.                                 | Whole Doc.   |  |
|                          |          |  |                                |  |  |  |

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|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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|--|---|----|---|--------------------------|-------------------------|
| Substitute for form 1449/PTO<br>(Revised 04/2003)<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(Use as many sheets as necessary) |   |    |   | <b>Complete if Known</b> |                         |
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|  |   |    |   | Examiner Name            | Not Assigned            |
| Sheet  | 2 | of | 2 | Attorney Docket Number   | 040989/267934(9280-12A) |

| OTHER DOCUMENTS      |             |   |  |
|----------------------|-------------|---|--|
| Examiner<br>Initials | Cite<br>No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | English<br>Language<br>Translation<br>Attached |
|                      | 16          | BUZBY, J. S. et al., "A Light-Regulated DNA-Binding Activity Interacts with a Conserved Region of a <i>Lemna gibba rbcS</i> Promoter," <i>The Plant Cell</i> , August 1990, pp. 805-814, Vol. 2   |  |
|                      | 17          | GASDASKA, J.R. et al., "Advantages of Therapeutic Protein Production in the Aquatic Plant <i>Lemna</i> ," <i>BioProcessing Journal</i> , March/April 2003, Vol. 2, No. 2.   |  |
|                      | 18          | MURRAY, E. E. et al., "Codon Usage in Plant Genes," <i>Nucleic Acids Research</i> , January 25, 1989, pp. 477-498, Vol. 17, No. 2   |  |
|                      |             |   |  |
|                      |             |   |  |

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|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

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